

Remarks to Working Group

My name is Samuel Zurier, and I am here to suggest that the currently enacted funding formula has fundamental gaps that cannot be addressed with incremental tweaks. For that reason, I propose that the best way you can carry out the comprehensive review contemplated by the Governor's executive order is to recommend the enactment of a judicially enforceable right to education under the Rhode Island Constitution.

As documented in written materials I submitted, the current funding formula has gaps at each of its three major stages. The \$8,922 core instructional amount does not include operating expenses, which account for more than 20% of the typical school district's budget. The student success factor covers only poverty status, while the national norm is to add funding streams for special education and/or English language learner status. Finally, the state share calculation includes an extraneous factor, the quadratic mean, which shifts funds from poor districts to wealthy ones in a more opaque and arbitrary manner than the more common guaranteed minimum State share.

These gaps combine to produce anomalies, such as the fact that Pawtucket and Woonsocket have per pupil budgets more than \$2,000 below the State average, even though their students have significantly above-average needs. At your meetings, you have heard of many other gaps throughout the system. As long as we limit ourselves to incremental adjustments, we will merely trade one set of problems for another. In contrast, a guaranteed Constitutional right to education will provide elected officials with the political cover they will need to address these issues fairly and squarely.

In the early 1990's, Massachusetts shared with Rhode Island the challenge of mediocre student achievement. In 1993, the Massachusetts Supreme Judicial Court decided the *McDuffy* case, finding an enforceable right to education under their State's constitution. Their Legislature responded with the Education Reform Act of 1993, which laid the twin foundations of resources and accountability for the nation-leading successes that followed. In 1995, Rhode Island's Supreme Court ruled that our constitution lacked such a right, leaving us in a distinct and undistinguished legal minority, and, despite the heroic efforts of our educators, stuck in the educational mediocrity that has challenged us before and since.

I am part of a group that would appreciate 15-20 minutes of your time at a future meeting to present this issue more completely. Thank you for your consideration.